

ASSEMBLY BILL

No. 803

Introduced by Assembly Member Maddox

February 22, 2001

An act to amend Section 404 of the Food and Agricultural Code and to amend Section 830.2 of the Penal Code, relating to peace officers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 803, as introduced, Maddox. Peace officers.

Existing law provides that specified persons are peace officers whose authority extends to any place in the state provided that the primary duty of the peace officers is the enforcement of the law, as specified.

This bill would accord the peace officer status provided pursuant to this provision to any officer or employee of the Department of Agriculture designated as a peace officer by the Secretary of the Department of Agriculture.

The Public Employees' Retirement Law provides increased benefits and higher contribution rates for peace officer members than those provided for state miscellaneous members. Member contributions are deposited in the Public Employees' Retirement Fund, a continuously appropriated special fund.

Because this bill would provide that certain officers or employees of the Department of Agriculture are peace officers, thereby including these employees within the category of peace officer members, it would make an appropriation by increasing the amount of employee contributions to the Public Employees' Retirement Fund.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 404 of the Food and Agricultural Code is amended to read:

404. (a) The department shall execute the provisions of this code, except as otherwise provided, and of other laws administered by it.

(b) *The secretary may designate any officer or employee of the department as a peace officer. The primary duties of the peace officer shall be to enforce provisions of this code. The authority and powers of the peace officer shall be limited to those conferred by law upon peace officers listed in Section 830.2 of the Penal Code.*

SEC. 2. Section 830.2 of the Penal Code is amended to read:

830.2. The following persons are peace officers whose authority extends to any place in the state:

(a) Any member of the Department of the California Highway Patrol including those members designated under subdivision (a) of Section 2250.1 of the Vehicle Code, provided that the primary duty of the peace officer is the enforcement of any law relating to the use or operation of vehicles upon the highways, or laws pertaining to the provision of police services for the protection of state officers, state properties, and the occupants of state properties, or both, as set forth in the Vehicle Code and Government Code.

(b) A member of the University of California Police Department appointed pursuant to Section 92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 92600 of the Education Code.

(c) A member of the California State University Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code.

(d) (1) Any member of the Law Enforcement and Investigations Unit of the Department of Corrections, provided that the primary duties of the peace officer shall be the investigation or apprehension of parolees, parole violators, or escapees from state institutions, the transportation of those

1 persons, and the coordination of those activities with other
2 criminal justice agencies.

3 (2) Any member of the Office of Internal Affairs of the
4 Department of Corrections, provided that the primary duties shall
5 be criminal investigations of Department of Corrections personnel
6 and the coordination of those activities with other criminal justice
7 agencies. For purposes of this subdivision the member of the
8 Office of Internal Affairs shall possess certification from the
9 Commission on Peace Officer Standards and Training for
10 investigators, or have completed training pursuant to Section
11 6126.1 of the Penal Code.

12 (e) Employees of the Department of Fish and Game designated
13 by the director, provided that the primary duty of those peace
14 officers shall be the enforcement of the law as set forth in Section
15 856 of the Fish and Game Code.

16 (f) Employees of the Department of Parks and Recreation
17 designated by the director pursuant to Section 5008 of the Public
18 Resources Code, provided that the primary duty of the peace
19 officer shall be the enforcement of the law as set forth in Section
20 5008 of the Public Resources Code.

21 (g) The Director of Forestry and Fire Protection and employees
22 or classes of employees of the Department of Forestry and Fire
23 Protection designated by the director pursuant to Section 4156 of
24 the Public Resources Code, provided that the primary duty of the
25 peace officer shall be the enforcement of the law as that duty is set
26 forth in Section 4156 of the Public Resources Code.

27 (h) Persons employed by the Department of Alcoholic
28 Beverage Control for the enforcement of Division 9 (commencing
29 with Section 23000) of the Business and Professions Code and
30 designated by the Director of Alcoholic Beverage Control,
31 provided that the primary duty of any of these peace officers shall
32 be the enforcement of the laws relating to alcoholic beverages, as
33 that duty is set forth in Section 25755 of the Business and
34 Professions Code.

35 (i) Marshals and police appointed by the Board of Directors of
36 the California Exposition and State Fair pursuant to Section 3332
37 of the Food and Agricultural Code, provided that the primary duty
38 of the peace officers shall be the enforcement of the law as
39 prescribed in that section.

1 (j) The Inspector General, pursuant to Section 6125, and the
2 Chief Deputy Inspector General In Charge, the Senior Deputy
3 Inspector General, the Deputy Inspector General, and those
4 employees of the Inspector General as designated by the Inspector
5 General, are peace officers, provided that the primary duty of these
6 peace officers shall be conducting audits of investigatory practices
7 and other audits, as well as conducting investigations, of the
8 Department of Corrections, the Department of the Youth
9 Authority, the Board of Prison Terms, the Youthful Offender
10 Parole Board, or the Board of Corrections.

11 (k) *Employees of the Department of Food and Agriculture*
12 *designated by the secretary pursuant to Section 404 of the Food*
13 *and Agricultural Code, provided that the primary duty of the peace*
14 *officer shall be the enforcement of the law as set forth in the Food*
15 *and Agricultural Code.*

